

ESTTA Tracking number: **ESTTA605445**

Filing date: **05/21/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	Cedar Fair L. P.		
Entity	limited partnership	Citizenship	Delaware
Address	One Cedar Point Drive Sandusky, OH 44870-5259 UNITED STATES		
Attorney information	Susan Neuberger Weller Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. Suite 900 701 Pennsylvania Avenue, N.W. Washington, DC 20004 UNITED STATES snweller@mintz.com Phone:2025853510		

### Registration Subject to Cancellation

Registration No	1836732	Registration date	05/17/1994
Registrant	Fury, Biond  NEW YORK, NY 10023 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 016. First Use: 1984/01/00 First Use In Commerce: 1984/01/00 All goods and services in the class are cancelled, namely: publications; namely, books of comic strips, posters, cartoons and books of stories relating to cartoon characters, and poetry
Class 025. First Use: 1984/01/00 First Use In Commerce: 1984/01/00 All goods and services in the class are cancelled, namely: clothing; namely, tee-shirts, sweatshirts and hats
Class 041. First Use: 1981/05/00 First Use In Commerce: 1981/05/00 All goods and services in the class are cancelled, namely: entertainment services in the nature of live dramatic and musical performances and the presentation of pre-recorded dramatic and musical performances and music concert production services which produce live and recorded performances

### Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition for Cancellation.PDF(39188 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Susan Neuberger Weller/
Name	Susan Neuberger Weller
Date	05/21/2014



1. Petitioner is the owner of U.S. trademark Application Serial No. 86173145 for the mark FURY for goods and services in Classes 6, 9, 16, 20, 21, 25, 28, and 41. Specific to this Petition for Cancellation are Classes 16 for “posters, notepads, postcards, pens and pencils, newsletters in the field of amusement parks, photographs, and paper pennants,” Class 25 for “clothing, namely, shoes, T-shirts, shorts, sweatshirts, sweatpants, sweatshirts, and headwear, namely, hats and caps,” and Class 41 for “amusement park services.” (“Pending Application”).

2. Biond Fury aka William D. Tuttle, Jr. (“Registrant”) is the current owner of record of U.S. Registration No. 1836732 for the mark FURY in the U.S. Patent and Trademark Office (“Registration”). Registrant’s address of record at the U. S. Trademark Office is 2109 Broadway, Apartment #5-109, New York, NY 10023.

3. The Trademark Office cited the Petitioned Mark against Petitioner’s Pending Application alleging likely confusion between the marks under Section 2(d) of the Trademark Act.

4. On information and belief, Registrant is no longer using the Petitioned Mark for the goods and services noted in its Registration.

**COUNT ONE:**  
**ABANDONMENT**


5. Petitioner re-alleges and incorporates herein by reference the allegations in paragraphs 1-4 above as if fully set forth herein.

6. As grounds for cancellation of Registration No.1836732, Petitioner alleges, on information and belief, that Registrant has abandoned the Petitioned Mark FURY. On information and belief, Registrant is not currently using the Petitioned Mark in commerce within the scope of the challenged Registration. On information and belief, Registrant has abandoned the Petitioned Mark by discontinuing use of the mark with no intent to resume use.

7. Petitioner believes that it is and will be damaged by continued registration of the Petitioned Mark since it impairs Petitioner's ability to hold itself out as the owner of its FURY mark and denies Petitioner the opportunity to receive a registration for its FURY mark.

WHEREFORE, Petitioner believes that it is and will be damaged by continued registration of the mark FURY, Registration No.1836732, and, therefore, requests cancellation of the Registration on the ground that Registrant has abandoned the mark with no intent to resume use.

Respectfully submitted,

By: 

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Dated: May 21, 2014

ATTORNEYS FOR PETITIONER  
CEDAR FAIR L. P.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing PETITION FOR CANCELLATION was served by U.S. mail, first class, postage prepaid, on this 21st day of May, 2014 on the Registrant at the address listed in the current U.S. Trademark Office Records as follows:

Biond Fury AKA William D. Tuttle, Jr.  
2109 Broadway  
Apartment #5-109  
New York, NY 10023  
Registrant

/Sharon Wester/  
Sharon Wester